

**4706. Misbranding of "Tabonucol-Pectoratol." U. S. \* \* \* v. 12 Cases**  
**\* \* \* of "Tabonucol-Pectoratol." Default decree of condemna-**  
**tion, forfeiture, and destruction. (F. & D. No. 7142. I. S. No. 3330-I.**  
**S. No. E-509.)**

On December 27, 1915, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 cases, containing 24 dozen bottles, of "Tabonucol-Pectoratol," remaining unsold in the original unbroken packages at San Juan, P. R., alleging that the article had been shipped, on or about October 21, 1915, by the Porto Rico Pharmaceutical Specialty Co. (Inc.) Porto Rico, and transported within the island of Porto Rico to the city of San Juan, P. R., and charging misbranding in violation of the Food and Drugs Act, as amended. On each of the bottles, in Spanish, was the following transcription: "Excelente Tónico o Balsámico Reconstituyente del Aparato Bronco-Pulmonar. En uso y Éxito Continuo Durante los Últimos 20 Años. Eficaz Para las Afecciones Pulmonares en General. Cura la Tisis, Incipiente, Bronquitis Crónica, Broncorrea, Gripe Inicial, Asma, Tos, Ronquera y Otras Afecciones de las Vías Respiratorias," which translated is as follows: "An excellent tonic or balsamic reconstituent of the bronchial-pulmonary apparatus. In continual successful use during the past 20 years. Efficacious for pulmonary affections in general. It cures phthisis, incipient, chronic bronchitis, bronchial catarrh, gripe initial, asthma, cough, hoarseness, and other affections of the breathing passages." On the circular inclosing each of said bottles were some of the following statements (translated into English): "This is not a secret preparation or medicine but an effective pharmaceutical combination of expectorants, modern, rational, and eminently practical." "Under the name of Tabonucol-Pectoratol, then, we present this ideal vegetable combination, which is very superior to pine sap, vegetable pitch, tolu, cherry, creosote, etc., one of its most important ingredients being the well known antiseptic and expectorant-stimulant—Guaia-col—which is an undeniable reconstituent of the bronchial-pulmonary apparatus, and eucalyptus, which we know to be a rational antithermic of catarrhal and pulmonary fevers, assisted by codeine, which is the only salt or alkaloid from opium really expectorant and stimulative inoffensive to the system." "Tabonucol-Pectoratol is recommended by medical science for the effective treatment of chronic bronchitis, bronchial catarrh, asthma, incipient phthisis, catarrhs, cough, pulmonary congestion, colds, gripe, hoarseness, and other affections, difficult to enumerate." "In chronic bronchitis and in bronchial catarrhs Tabonucol-Pectoratol acts promptly and surely from the first instant. It causes the fever to disappear and facilitates the expectoration, toning up the bronchial-pulmonary apparatus. In pulmonary catarrhs it is of an astounding efficacy, as can be shown from the first day of its use. The Tabonucol-Pectoratol also cures asthma, cough, hoarseness, gripe, and other affections of the respiratory passages. Its use is greatly recommended in incipient phthisis, in which affection it should be used as a reconstituent and tonic for the pulmonary apparatus."

Misbranding of the article was alleged in the libel for the reason that the statements contained in the circular and on the label of the bottles as set out above were false, fraudulent, and misleading, a chemical analysis of the article showing that it did not contain any ingredient or combination of ingredients capable of producing the claims set out on the label of the bottles or circulars aforesaid. It was further alleged that the article was mislabeled and misbranded so as to deceive and mislead the purchaser thereof, in that both the label and wrapper contained statements regarding the article and the in-

gredients and substances contained therein which were fraudulent and misleading; that is to say, that the said label and circular were [such as] to lead the public to believe that the article was a useful and good medicine and would cure the various ills, diseases, and complaints as set out in said circular and label, whereas, in fact, it was not of a medicinal nature such as would produce any such results, and was utterly worthless for that purpose.

On March 17, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*